



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 98-385-H)

PATENT

In re Application of: Hauptmann et al. )

Serial No.: 09/899,422 )

Filed: July 3, 2001 )

For: TNF Receptors, TNF Binding )  
Proteins and DNAs Coding For Them )

Before the Examiner: E. O'Hara

Group Art Unit: 1646

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

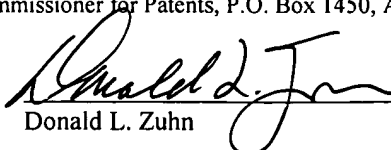
**TERMINAL DISCLAIMER**

Petitioner, **AMGEN INC.**, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,271,346. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,271,346 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,271,346, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,271,346 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 23, 2004.

  
Donald L. Zuhn

canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (*e.g.*, corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Copies of the assignment documents in the chain of title from the original owner to the assignee are attached, and were recorded in the Patent and Trademark Office at reel 015381, frame 0412 and at reel 015379, frame 0015.

The undersigned representative has reviewed the attached assignment documents and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee seeking to take the action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

11/23/2004  
DATE

By: Donald L. Zuhn  
Donald L. Zuhn, Ph.D.  
Reg. No. 48,710

Attorney of Record  
Title

for

AMGEN INC.  
One Amgen Center Drive  
Thousand Oaks, CA 91320-1799  
Address



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



\*700131289A\*

NOVEMBER 19, 2004

PTAS

MCDONNELL, BOEHNEN, HULBERT, ET AL.  
DONALD L. ZUHN  
300 SOUTH WACKER DRIVE, SUITE 3100  
CHICAGO, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/15/2004

REEL/FRAME: 015379/0015  
NUMBER OF PAGES: 4

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
SYNERGEN, INC.

DOC DATE: 01/31/1995

ASSIGNEE:  
AMGEN BOULDER INC.  
1885 33RD STREET  
BOULDER, COLORADO 80301

SERIAL NUMBER: 09899422

FILING DATE: 07/03/2001

PATENT NUMBER:

ISSUE DATE:

TITLE: TNF RECEPTORS, TNF BINDING PROTEINS AND DNAS CODING FOR THEM

015379/0015 PAGE 2

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

## RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

## PATENTS ONLY

Tab settings → → →

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Synergen, Inc.

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

## 3. Nature of conveyance:

- ☐ Assignment ☐ Merger
- ☐ Security Agreement ☒ Change of Name
- ☐ Other \_\_\_\_\_

Execution Date: January 31, 1995

## 2. Name and address of receiving party(ies):

Name: Amgen Boulder Inc.

Internal Address: \_\_\_\_\_

Street Address: 1885 33rd StreetCity: Boulder State: CO ZIP: 80301Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

## A. Patent Application No.(s)

09/899,422

## B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Donald L. ZuhnInternal Address: McDonnell Boehnen Hulbert &Berghoff LLPStreet Address: 300 South Wacker Drive, Suite 3100City: Chicago State: IL ZIP: 60606

## 6. Total number of applications and patents involved:

17. Total fee (37 CFR 3.41):.....\$ 40.00

- ☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account
- ☒ Authorized to be charged to deposit account

## 8. Deposit account number:

13-2490

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Donald L. Zuhn

Name of Person Signing

Signature

November 15, 2004

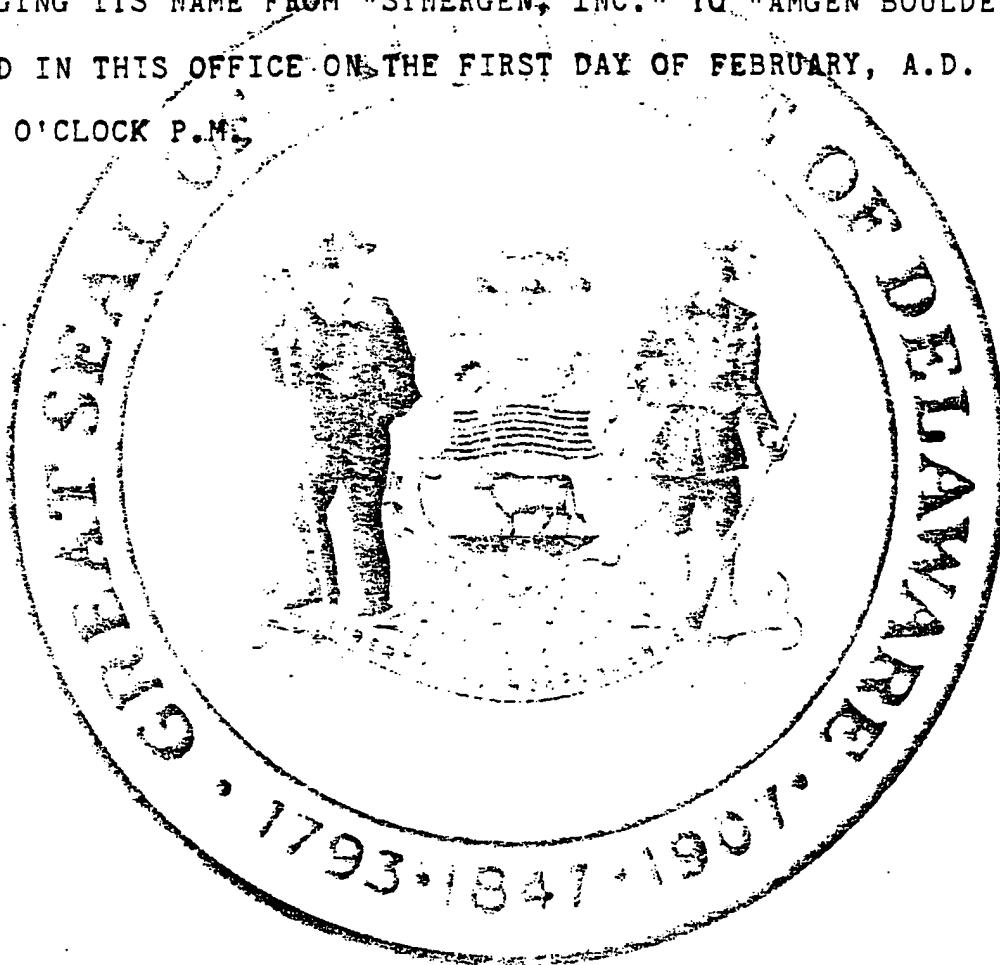
Date

Total number of pages including cover sheet, attachments, and document:

4

*Office of the Secretary of State*

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "SYNERGEN, INC.", CHANGING ITS NAME FROM "SYNERGEN, INC." TO "AMGEN BOULDER INC.", FILED IN THIS OFFICE ON THE FIRST DAY OF FEBRUARY, A.D. 1995, AT 2:30 O'CLOCK P.M.



A handwritten signature in black ink, reading "Edward J. Freel".

Edward J. Freel, Secretary of State

0932371 8100

950195148

AUTHENTICATION: 7622219

DATE: 08-28-95

**CERTIFICATE OF AMENDMENT  
TO THE  
CERTIFICATE OF INCORPORATION  
OF  
SYNERGEN, INC.**

Synergen, Inc., a corporation existing under the laws of the State of Delaware, which was originally incorporated under the name Synergen Associates, Inc. on February 22, 1982 (the "Corporation"), does hereby certify:

I. That Section 1 of the Certificate of Incorporation of the Corporation is hereby amended to read as follows:

1. The name of the corporation is:

**Amgen Boulder Inc.**

II. That written consent has been given in accordance with Section 228 of the General Corporation Law of the State of Delaware to amend Section 1 of the Certificate of Incorporation of the Corporation and that this Certificate of Amendment to the Certificate of Incorporation was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.







UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



\*700131467A\*

NOVEMBER 22, 2004

PTAS

MCDONNELL BOEHNEN HULBERT & BERGHOFF  
DONALD L. ZUHN  
300 SOUTH WACKER DRIVE  
SUITE 3100  
CHICAGO, IL 60606

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RECORDATION DATE: 11/16/2004

REEL/FRAME: 015381/0412  
NUMBER OF PAGES: 5

BRIEF: MERGER (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: 98-385-H

ASSIGNOR:  
AMGEN BOULDER INC.

DOC DATE: 12/31/1997

ASSIGNEE:  
AMGEN INC.  
ONE AMGEN CENTER DRIVE  
THOUSAND OAKS, CALIFORNIA 91320

SERIAL NUMBER: 09899422  
PATENT NUMBER:

FILING DATE: 07/03/2001  
ISSUE DATE:

TITLE: TNF RECEPTORS, TNF BINDING PROTEINS AND DNAS CODING FOR THEM

015381/0412 PAGE 2

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

PATENTS ONLY

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To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Amgen Boulder Inc.

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment

☒ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: December 31, 1997

2. Name and address of receiving party(ies):

Name: Amgen Inc.

Internal Address:

Street Address: One Amgen Center Drive

City: Thousand Oaks State: CA ZIP: 91320

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/899,422

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Donald L. Zuhn

Internal Address: McDonnell Boehnen Hulbert &

Berghoff

Street Address: 300 South Wacker Drive, Suite 3100

City: Chicago State: IL ZIP: 60606

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$

☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☒ Authorized to be charged to deposit account

8. Deposit account number:

13-2490

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Donald L. Zuhn

Name of Person Signing

Signature

November 16, 2004

Date

Total number of pages including cover sheet, attachments, and document:

5

Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AMGEN BOULDER INC.", A DELAWARE CORPORATION,

WITH AND INTO "AMGEN INC." UNDER THE NAME OF "AMGEN INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTY-FIRST DAY OF DECEMBER, A.D. 1997, AT 10 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



A handwritten signature in cursive script, reading "Edward J. Freel", is written over a horizontal line.

Edward J. Freel, Secretary of State

2106150 8100M

971454892

AUTHENTICATION:

8844498

DATE:

01-02-98

**CERTIFICATE OF OWNERSHIP AND MERGER**

**of**

**AMGEN BOULDER INC.**

**(a Delaware corporation)**

**with and into**

**AMGEN INC.**

**(a Delaware corporation)**

It is hereby certified that:

1. Amgen Inc. (the "Corporation") is a corporation of the State of Delaware.
2. Amgen Boulder Inc., a Delaware corporation ("Amgen Boulder"), is a wholly-owned subsidiary of the Corporation.
3. The Corporation, as the owner of at least 90% of the outstanding shares of stock of Amgen Boulder, does hereby merge Amgen Boulder with and into the Corporation.
4. This Certificate of Ownership and Merger constitutes a plan of complete liquidation of Amgen Boulder pursuant to Section 332 of the Internal Revenue Code of 1986, as amended ("Section 332").
5. The following is a copy of the resolutions adopted on December 31, 1997 by unanimous written consent of the Board of Directors of the Corporation with respect to the merger of Amgen Boulder with and into the Corporation (the "Merger"):

RESOLVED, that Amgen Boulder be merged with and into the Corporation pursuant to Section 253 of the Delaware General Corporation Law as hereinafter provided, so that the separate existence of Amgen Boulder shall cease as soon as the Merger shall become effective, and thereupon the Corporation and Amgen Boulder will become a single corporation with the Corporation as the surviving corporation, which shall continue to exist under, and be governed by, the laws of the State of Delaware;

RESOLVED FURTHER, the Merger shall be treated as a tax-free liquidation pursuant to Section 332;

RESOLVED FURTHER, the Certificate of Ownership and Merger setting forth a copy of these resolutions shall be effective upon the filing thereof with the Secretary of State of the State of Delaware; and

RESOLVED FURTHER, that the Chief Executive Officer, President, Chief Financial Officer and Senior Vice President, General Counsel of the Company, and the Secretary

or Assistant Secretary of the Company acting in conjunction with any such officers, be and they hereby are authorized and directed to make and execute a Certificate of Ownership and Merger ("Certificate of Ownership and Merger"), in the form set forth as Exhibit A hereto, setting forth a copy of these resolutions to merge Amgen Boulder into the Corporation, and to cause the same to be filed and recorded as provided by law, and to do all acts and things whatsoever, within the State of Delaware and in any other appropriate jurisdiction, necessary or proper to effect the Merger.

6. The Certificate of Ownership and Merger and the Merger shall become effective upon the filing of such Certificate of Ownership and Merger with the Secretary of State of the State of Delaware.

[Signature Page to Follow]

Signed on December 31, 1997

AMGEN INC.

A handwritten signature in black ink, appearing to read 'G. Vandeman', is written over a horizontal line.

Name: George A. Vandeman

Title: Senior Vice President, General  
Counsel and Secretary

S-1

ABI-CX of Merger

FROM LATHAM & WATKINS LA #2

(TUE) 12:30' 97 15:47/ST. 15:41/NO. 4261284509 P 4